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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/913,562 10/18/2001 Daniel Damson 1720 2392 EXAMINER 7590 12/01/2004 Striker Striker & Stenby CIRIC, LJILJANA V 103 East Neck Road ART UNIT PAPER NUMBER Huntington, NY 11743 3753

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1		
	Application No.	Applicant(s)
Office Action Summary	09/913,562	DAMSON ET AL.
	Examiner	Art Unit
	Ljiljana (Lil) V. Ciric	3753
The MAILING DATE of this communication appeared for Reply	ppears on the cover sheet with th	e correspondence address
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perior - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	l. 1.136(a). In no event, however, may a reply be ply within the statutory minimum of thirty (30) d will apply and will expire SIX (6) MONTHS for the cause the application to become ABANDO	e timely filed days will be considered timely. rom the mailing date of this communication. NED (35 U.S.C. § 133).
Status		
 1) ⊠ Responsive to communication(s) filed on <u>06</u> 2a) ☐ This action is FINAL. 2b) ⊠ Th 3) ☐ Since this application is in condition for allow closed in accordance with the practice under 	nis action is non-final. rance except for formal matters,	
Disposition of Claims		
4) ⊠ Claim(s) 17-21 is/are pending in the application 4a) Of the above claim(s) none is/are withdrasts. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 17-21 are subject to restriction and/	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examination 10) The drawing(s) filed on is/are: a) and a specificant may not request that any objection to the Replacement drawing sheet(s) including the correction. The oath or declaration is objected to by the left.	ccepted or b) objected to by the drawing(s) be held in abeyance. ection is required if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
a) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority docume 2. ☐ Certified copies of the priority docume 3. ☐ Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a limit	ents have been received. ents have been received in Applicationity documents have been received in Received in Received in Rule 17.2(a)).	cation No eived in this National Stage
Attachment(s)		
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/O Paper No(s)/Mail Date	4)	

Application/Control Number: 09/913,562

Art Unit: 3753

DETAILED ACTION

Response to Amendment

- 1. This Office action is in response to the replies filed on May 6, 2004 and on August 11, 2004.
- 2. New claims 17 through 21 remain in the application.

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention.

These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The first species or the embodiment described in lines 4 through 10 on page 3 of the specification and characterized by the gas reservoir being designed as a bellows.

The second species or the embodiment described in lines 12 through 19 on page 3 of the specification and characterized by a bypass line being provided between the exhaust-gas inlet and the exhaust gas outlet.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Application/Control Number: 09/913,562

Art Unit: 3753

Claims 17 through 19 and 21 correspond to the first species. Claims 17, 20, and 21 correspond to the second species.

The following claim(s) are generic: claim 17.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the first species lacks the bypass line of the second species, and the second species

lacks the bellows of the first species.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named

inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of

inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37

CFR 1.17(i).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (571) 272-4909.

While she works a flexible schedule that varies from day to day and from week to week,

Examiner Ciric may generally be reached at the Office during the work week between the hours of 10

a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene

Mancene, can be reached at (571) 272-4930.

lvc

November 29, 2004

EJILJANA V. CIRIC PRIMARY EXAMINER

ART UNIT 3753